

### **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **CONSIDERATION OF INFORMATION DISCLOSURE STATEMENT REQUESTED**

Applicant's previously-submitted 28 March 2006 information disclosure statement (IDS) has not been acknowledged as having been considered, i.e., a copy of any Form(s) PTO-1449 has not been returned with Examiner initialing to indicate consideration. For convenience, submitted herewith is another copy of the original Form(s) PTO-1449 or SB/08 from such IDS. The Applicant specifically requests return of an Examiner-initialed copy of the Form(s) PTO-1449 or SB/08, indicating that the information (i.e., references) has been considered. Applicant respectfully thanks the Examiner in advance for such initialing/consideration.

### **PENDING CLAIMS**

Claims 1-8 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. Such changes are unrelated to any prior art or scope adjustment and are simply cancellation of any prior claim(s) (without prejudice or disclaimer) in favor of substitute claims having better clarity/focus toward the embodiment in which Applicant is presently interested. Any canceled claim(s) may be pursued within a continuing application. At entry of this paper, Claims 9-15 will be pending for further consideration and examination in the application.

### **REJECTION UNDER 35 USC '102**

The 35 USC '102 rejection of claims 1-8 as being anticipated by Kato et al. (U.S. Patent 6,618,549) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying replacement of Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Unrelated to any prior art rejection, claims 1-8 have now been canceled without prejudice or disclaimer, thus rendering this rejection of such claims obsolete at this time. Patentability of remaining ones of the rejected claims are supported as follows.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims, as detailed by the following traversal comments supplied by Applicant's foreign representative.

In claim 9 of the present invention, a packet information area and a packet header area are provided to a digital packet. In the packet information area, first information relating to copy restriction of a digital signal and second information relating to necessity of protection by encryption are stored, and third information relating to status of encryption of the packet information is stored in the packet header area. When the first information is indicative of "copy is enabled without restriction of copy times", and the second information is indicative of "protection is necessary", and the third information is indicative of "once copy is enabled", fourth information is set to "once copy is enabled" and recorded in a recording medium.

None of the references disclose the first, second, third and fourth information and detailed setting conditions thereof as described in the claim 9. The same can be said for detailed setting conditions of Applicant's other claims.

Accordingly, the present invention should be regarded as being patentable over the references.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 rejection, and express written allowance of all of the '102 rejected claims, are respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.40787X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Paul J. Skwierawski".

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